NASA Procedural Requirements

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COMPLIANCE IS MANDATORY

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Responsible Office: Exploration Systems Mission Directorate

CHAPTER 2. Definitions

2.1 Software Terminology

2.1.1. Software as used in NPD 2210.1 and this NPR, means computer programs, executables, source code, and object code. Software does not include computer databases or software documentation. Additionally, while design details, algorithms, processes, flow charts, formulae and related material that would enable a particular NASA software, or a functional equivalents thereof, to be reproduced or created are not subject to NPD 2210.1 and this NPR, their premature release may jeopardize intellectual property protection and commercialization of software to which they relate. Thus, such related information and materials must not be released unless the Center Patent Counsel has approved the software for release. If the software has been approved for release under one of the release categories defined in section 2.2, the design details, algorithms, processes, flow charts, formulae and related materials may be released at an equivalent level of release.

2.1.2. "Computer Programs" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

2.1.3. "Source Code" means a representation of object code in an advanced programming language, such as BASIC, FORTRAN, C++, Ada, JAVA and SQL.

2.1.4. "Object Code" means machine language; that programming language which is directly readable and executable by a computer.

2.1.5. "Commercial Software" means software developed or regularly used for non-governmental purposes which: a. Has been sold, leased, or licensed to the public;

b. Has been offered for sale, lease, or license to the public;

c. Has not been offered for sale, lease, or license to the public, but will be available for commercial sale, lease, or license in time to satisfy the delivery requirements of a Government contract; or

d. Satisfies a criterion expressed in 2.1.5.a, 2.1.5.b, or 2.1.5.c. and would require only minor modification to meet the requirements of a Government contract.

2.1.6. "Licensable Software" means software for which the U.S. Government owns a domestic or foreign copyright, patent application, or patent incorporating the software.

2.1.7. "Publicly Releasable Software" means software for which a recommendation for General Public Release has been made to the SRA by the Center Office or Project that has the responsibility for the software with concurrence by the Manager for Technology Transfer Division, or designee, with concurrence by the Center Patent or Intellectual Property Counsel, and the Center Export Administrator.

2.1.8. "Database" means a collection of data in a form capable of being processed by a computer through the use of a computer program performing the function of storing, manipulating, or formatting. A Computer Database is not software.

2.1.9. "Software Documentation" - This documentation explains the capabilities of the software, or provides operating instructions for using the software to obtain the desired results and is represented as, owner's manuals, user's manuals, installation instructions, operating instructions, and other similar items. If software documentation includes design details, algorithms, processes, flow charts, formulae, and related material that would enable a particular NASA software, or a functional equivalents thereof, to be reproduced or created, the software documentation should not be released until the software to which it apples has been approved for release.

2.1.10. Software Code Baseline - This baseline is established at the end of the software implementation phase. During the software implementation phase, the software is coded and unit tested. All documentation is produced in quasi-final form, including internal code documentation. At the end of the phase, all required products should be ready for delivery, subject to modification during integration and testing. It should include: 1) software detailed design specification, 2) build and test plans, 3) The code itself, 4) Code level documentation, 4) Users Manuals, 5) Test Procedures for the Integration and Test Phase, and 6) Data needed for operation of the software.

2.1.11. Software Product Baseline - This baseline is established at the completion of the Integration and Test Phase. The software is to be ready for acquirer acceptance testing and delivery. It should include, in addition to the updated contents of the Software Code Baseline, the following:

a. The tested code, and

b. Final versions of all products and documents

2.1.12. "Software Accepted (As-Built) Baseline" - This baseline is established after the software has been accepted by the intended NASA user. It should contain updated versions of the items in the Software Product Baseline, with corrections for nonconformance found during the acceptance process.

2.1.13. Software Usage Agreement (SUA) is a legal document issued by NASA and signed by a software requester to allow the requester to receive the requested software. A SUA must be signed or otherwise agreed to by the recipient to allow the recipient to receive the requested software. A SUA will, at a minimum, include a Software Release Record as defined in paragraph 2.1.14 and 3.9.1, the disclaimer and indemnification provisions of paragraph 3.8.4 and the notices of paragraph 3.8.5, and may also include provisions for nondisclosure and export control as required. An SUA should also specify any restrictions on use and disclosure of said software imposed by NASA on the recipient. An SUA should be issued for every software released in accordance with NPD 2210.1 and this NPR by a Software Release Authority, and an original SUA, signed by the recipient, should be retained by the Software Release Authority, or designee. The SUA needs to be filed in a system of records and maintained for disposition per guidance provided in NPD 1440.6 and NPR 1441.1.

2.1.14. Software Release Record is the method by which the external release of NASA software will be recorded. A release record must contain the recipient's name, address, phone number, e-mail address, date of transfer, and version of software transferred.

2.2 Release Terminology

2.2.1. The release terminologies defined in Section 2.2 are not intended to be the exclusive methods of releasing software. Generally, software will be either releasable without a nondisclosure agreement, releasable with a nondisclosure agreement, releasable for U.S. Government purposes, or not releasable as determined by the Patent or Intellectual Property Counsel in paragraph 3.4.4. The release options identified in paragraphs 2.2.2 through 2.2.5 constitute a hierarchy from least to most restrictive. Once a particular release category has been approved, software may be released under that category or under any of the more restrictive release categories. Additional specific release restrictions are identified in Section 3.8.

2.2.2. "Approved for General Public Release" - This release category is the broadest release category possible and may be approved only if Software Accepted (As-Built) Baseline has been categorized as Publicly Releasible Software as defined in paragraph 2.1.7. This release category indicates there are no export restrictions on the software and should be approved with great care and requires concurrence by Agency Export Control officials. Once software has been Approved for General Public Release, all other release types could be allowed; however some may be inappropriate, e.g., if no further development is envisioned, then a Beta Release would be inappropriate. This type of release also meets the requirements of open source software as defined by the Open Source Initiative. Either an SUA or an Open Source license is required.

2.2.3. "Approved for U.S. and Foreign Release" - This release category authorizes what is essentially a General U.S. Release, as defined in paragraph 2.2.4, with additional availability to foreign persons, as defined at 22 CFR 120.16. Due to Agency policy reflected in NPD 2110.1, Foreign Access to NASA Technology Transfer Materials, this category should be approved only for "Software Accepted (As-Built) Baseline" that may have special considerations, such as public health and safety benefits, or where special circumstances accrue economic benefit to the U.S. This release category should be approved with great care and requires concurrence by Agency Export Control officials. A SUA is required and appropriate non- disclosure provisions may be included.

2.2.4. "Approved for General U.S. Release Only" - This release category authorizes the release of Software

Accepted (As-Built) Baseline for use by U.S persons only. It does not remove Export Control Program restrictions. Normally, this release category does not allow further transfer of the software by the recipient without the prior written approval of NASA. An SUA is required and appropriate nondisclosure and export control provisions may be included.

2.2.5. "Approved for U.S. Government Purpose Release" - This large, but restrictive, release category includes five subcategories. An SUA is required and appropriate nondisclosure and export control provisions may be included. The following subcategories are included under this release category.

2.2.5.1. "Approved for Beta Release" - A limited release of the Software Code Baseline for Government purposes of acquiring evaluation comments and feedback.

2.2.5.2. "Approved for Project Release" - Any release of the Software Product Baseline or the Software Accepted (As-Built) Baseline to be used on behalf of the U.S. Government. A project Release is appropriate in the following situations:

a. On NASA contracts or grants;

b. In the United States on a Space Act agreement, cooperative project, exchange program, or other agreement between NASA and another organization; or

c. By a foreign organization if determined by NASA to be required to implement an international cooperative project established by NASA in an international agreement with the foreign cooperating or sponsoring agency. Any transfer must be in accordance with the international agreement and the NASA Export Control Program.

2.2.5.3. "Approved for Developmental Release" - A release of the Software Product Baseline specifically for further development on behalf of the Government and not including operational use.

2.2.5.4. "Approved for Interagency Release" - A release of any software for use by another U.S. Government agency.

2.2.5.5. "Approved for NASA Release" - A release of any software for use by NASA personnel and NASA contractors only.

2.2.5.5.1. "NASA Remote Access" - A granting of access to NASA computers and associated software to those acting on behalf of NASA for Government purposes.

2.2.6. "Unrestricted Release" - The unrestricted access to, or distribution of, software, including electronic transmission, to an individual or organization outside NASA or its contractors or grantees, without identifying the recipient or establishing a release record. This type of release is not allowed by Agency policy.

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